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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,933	03/22/2000	Mitsuyoshi Watanabe	826.1596/JDH	9169

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WASHINGTON, DC 20005

EXAMINER
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GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/532,933

Applicant(s)

WATANABE ET AL.

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 9, 5-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- 1 Claims 1-4, 6-8, 10-24 has been cancelled and claims 5, 9 25-28 remained pending.

#### Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25, 27, 27, rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 25, 27, 28, states " first and second registered commodity data storing units, each storing at least information identifying commodities associated with registering transaction partners, commodity prices, and information relating to public disclosure indicating whether other transaction partners are allowed access to the commodity prices and a unit searching for a first commodity identified by the information stored in said first registered commodity data storing unit as publicly disclosed and identified by the information stored in the second registered commodity data storing unit(see column 13 lines 54-67 and column 14-20 lines 1-65 and see column 2 lines 11-25 and column 8 lines 11-57). and reading price change conditions including the information identifying a second commodity transacted with the first commodity, which are registered for another transaction partner;" first it is unclear as to **what** is storing at " **least information**" identifying commodities, and further they are two data storage units storing the same information, where is the data coming from??? and why store the same data in two units if there is no comparison being done on the two units??, it is unclear how one would identify information stored in the second storage unit reading price changes without using a search key to identify what one is searching for and comparing the data in the data in the two storage units ...". For further examination, the examiner interprets the limitation in light of this 112, second rejection.

In particular, Claims 25, 27, 28, states " judging both the first and second commodities as tradable candidates, if the information identifying the second commodity is stored in the first registered commodity data storing unit as publicly disclosed or public disclosed, by referring to the information of the second commodity registered in association with the first

Art Unit: 3692

commodity from the second registered commodity data storing unit " it is unclear as to what is judging both the first and second commodities as tradable candidates, ...". For further examination, the examiner interprets the limitation in light of this 112, second rejection.

***Claim Rejections - 35 USC § 102***

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5, 9 25-28, are rejected under 35 U.S.C. 102(b) as being anticipated by McClellan McClellan U.S Patent 3, 823, 387.

As per claims 25, 5, 9, McClellan discloses an electronic commerce system aiding in purchase and sale of commodities, comprising:  
first and second registered commodity data storing units, each storing at least information identifying commodities associated with registering transaction partners, commodity prices, and information relating to public disclosure indicating whether other transaction partners are allowed access to the commodity prices(see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35)  
a unit searching for a first commodity identified by the information stored in said first registered commodity data storing unit as publicly disclosed and identified by the information stored in the second registered commodity data storing unit (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35) and reading price change conditions including the information identifying a second commodity transacted with the first commodity, which are registered for another transaction partner (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35)  
and a sale and purchase situation judgment unit judging both the first commodity and the second commodity as tradable candidates, if the information identifying the second

Art Unit: 3692

commodity is stored in the first registered commodity data storing unit as publicly disclosed or publicly disclosed by referring to the information of the second commodity registered in association with the first commodity in the second registered commodity data storing unit. (Note abstract and see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35).

As per claim 26, McClellan discloses further comprising outputting transaction completion information of the first and second commodities when a first price of the first commodity stored in the first registered commodity data storing unit matches a changed price obtained based on a change condition of a second price for the first commodity registered in the second registered commodity data storing unit, and a third price for the second commodity stored in the first registered commodity data storing unit matches a fourth price for the second commodity registered in the second registered commodity data storing unit. (Note abstract and see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35).

As per claim 27, McClellan discloses a computer-readable storage medium storing a program for aiding in purchase and sale of commodities that when executed causes a computer to perform a process comprising:

storing in a first registered commodity data storing unit at least information identifying a first set of commodities, commodity prices, and information relating to public disclosure, indicating whether other transaction partners are allowed access to the commodity prices, in association with a first transaction partner for each commodity handled by the first transaction partner (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35)

searching for a first commodity identified by the information stored in the first registered commodity data storing unit as publicly disclosed that corresponds to the information identifying the first commodity from a second registered commodity data storing unit storing the information identifying a second set of commodities, a commodity price, and price change conditions including the information of a second commodity transacted with the first commodity, which are registered for a second transaction partner and (see column 8 lines

Art Unit: 3692

8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35)

judging both the first and second commodities as tradable candidates, if the information identifying the second commodity is stored in the first registered commodity data storing unit as publicly disclosed or public disclosed, by referring to the information of the second commodity registered in association with the first commodity from the second registered commodity data storing unit. (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35).

As per claims 28, McClellan discloses an electronic commerce method aiding in purchase and sale of commodities, comprising:

storing as first registered commodity data for a first transaction partner, at least information identifying a first set of commodities and for each commodity in the first set, a commodity price and information relating to public disclosure, indicating whether access by other transaction partners is allowed (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35)

searching for the information identifying a first commodity included in the first registered commodity data as publicly disclosed that matches the information identifying the first commodity in second registered commodity data containing information identifying a second set of commodities handled by other transaction partners and, for each commodity in the second set, the commodity price and price change conditions (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35)

including information identifying a second commodity transacted with the first commodity; and judging both the first and second commodities as tradable candidates, if the information identifying the second commodity is stored in the first registered commodity data as publicly disclosed or publicly nondisclosed, by referring to the information identifying the second commodity registered in association with the first commodity in the second registered commodity data. (Note abstract and see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35).

### **Conclusion**

Art Unit: 3692

**Response to Arguments**

5. Applicant's arguments files on 11/30/06 have been fully considered but they are moot in view of new grounds of rejections.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 1am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

January 16, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*Au 3692*